

Environmental Cleanup Allocation Committee

Feb. 14, 2008
Meeting Minutes

Committee Members Present:

Mark Adelson, Santa Ana Regional Water Quality Control Board
John Bahorski, City of Cypress
Karen I. Baroldi, Orange County Sanitation District
Garry Brown, Orange County Coast Keeper
Tim Casey, City of Laguna Niguel
William J. Cooper, UC Irvine
Paul D. Jones, Irvine Ranch Water District
Tony Olmos, City of Brea
Joe Parco, City of Santa Ana
Hector B. Salas, Caltrans
Mary Anne Skorpanich, Watershed and Coastal Resources Program
Dick Wilson, City of Anaheim
Chad Loflen, San Diego Regional Water Quality Control Board Representative

Committee Members Absent:

Sat Tamaribuchi, The Irvine Company

Orange County Transportation Authority Staff Present:

Monte Ward
Kurt Brotcke
Kirk Avila
Jim Sterling
Marissa Espino
Ryan Maloney

Members of the Public

None

1. Welcome & Introductions

Committee Chairman Garry Brown called the meeting to order. He explained that this meeting would be less formal, and structured more as a workshop session. Chad Loflen, a representative from the San Diego Water Board, was part of the meeting via conference call.

2. Minutes

Minutes from 1-17-08 were unanimously approved without changes.

3. Extension of Meeting Time

Garry discussed how this meeting had been scheduled for two hours, and based on the initial meeting, it seemed likely that two hours would be sufficient for future

meetings. There was interest from committee members in changing the new meeting time to 10 a.m. to 12 p.m., pending room availability. There was unanimous approval for this scheduling change.

4. Committee Charter Approval

Monte Ward presented the committee with minor revisions to the committee charter. Monte noted that the charter was not yet approved, and that more detail would be needed for the competitive grants process. The current charter stated funding priorities as described in the ordinance.

There was discussion among the committee members in clarifying the committee's desired focus on high impact environmental improvement projects to maximize return on investment.

William Cooper asked if the charter should specify the ability to fund research. Garry responded that based on earlier discussion, educational projects would likely be included, but would they would need to be defined by the committee.

There was discussion about the need to clarify pollutants' relationship to transportation, and define their nexus to transportation. Monte said that his goal for the charter was to provide established responsibilities, and the committee will continue to discuss those terms. Garry suggested that the charter be less explicitly defined in order to allow the committee future flexibility. In response to William's question about funding air pollution mitigation, Monte said that the ordinance and therefore the committee were limited to addressing water pollution.

Dick Wilson suggested that the charter allow designated alternatives in case of committee member absences. Monte related that the OCTA Board of Directors does not allow alternatives since absent members arrive for significant votes without being a party to earlier discussion. Monte stated that while alternatives were not available under the ordinance, there was a mechanism for replacing members who could no longer serve on the committee.

There was a motion to approve the charter as modified, which passed with all in favor. The modified responsibilities section of the charter is as follows:

Responsibilities

The AC provides advice on the development and implementation of a funding program for transportation-related water quality improvements. Activities undertaken by the AC may consist of the following:

- Development of a comprehensive countywide capital improvement program for transportation-related water quality improvements.
- Development of a competitive grants process with priority given to:
 - High impact capital improvements that provide significant and effective water quality benefits;
 - Capital improvement projects included in a Watershed Management Area plan; and
 - Cost-effective projects that leverage other funding sources
- Evaluations of grant requests and recommendations on the award of funds.

- Development of a matching requirement to leverage other funds for water quality improvements.
- Development of maintenance of effort requirement to ensure that funds augment, not replace existing water quality programs.
- Development of an annual reporting and benefits assessment process and procedures.

5. Strategic Planning Workshop

Garry introduced the next agenda item as informal discussion about the specified items. Monte would begin the discussion on program objectives, Mark Adelson would lead the discussion on program design, and Mary Anne Skorpanich would be leading the discussion on development of the capital improvement program.

a. Program Requirements

Monte presented a program requirements fact sheet for the committee. He said that the focus of the committee should consider the voter's intent when approving the ordinance, and that intent clearly focused on protecting the coastline and ocean.

Garry then opened the floor to open discussion on regional versus local projects. Garry defined regional projects as larger projects that included multiple sources of funding with a multi-jurisdictional service or benefit area. Local projects would be defined as projects involving one or two cities that addressed a specific water quality issue.

There was general consensus that receiving waters, rather than watersheds or city lines should define the scope of projects. This would encourage projects that addressed known impaired water sources and achieve pollution benefits downstream. There was some concern that the cities furthest from the receiving waters would receive less money, but Mark Adelson suggested that project applicants would merely need to prove a connection between their project and a water issue in their area to qualify for project funding.

There was agreement among committee members that source control could be more cost effective than treatment facilities. Paul Jones commented that 100 percent source control would be impossible, but there was agreement among the committee that source control should be a priority of possible solutions.

Monte asked if other agencies had developed any lists of possible projects that the committee may be able to review. Mary Anne Skorpanich mentioned that many projects were a trade-off between available space and the optimal location for water treatment. Mark Adelson discussed how regional water boards had developed a regional water treatment plan that provided benefits of possible projects.

There was a question from Hector Salas if there would be any issues about treatment of runoff from private lands, given the public funding of projects. Tim Casey suggested that the committee identify key pollutants of concern, locate impacted areas, and evaluate prior successful applications for similar projects.

There was some discussion on the difference between transportation-related pollution and transportation-generated pollution. There was additional discussion about the terms “transportation-related,” “transportation-generated” and nexus. Tim commented that regardless of its origin, the intent of proposition voters was the reduction of beach closures due to pollution.

Monte summarized the discussion of this item: The committee would focus on known pollutants, starting at the receiving waters and working backwards. Treatment efforts would work towards a treatment goal. There would be no arbitrary distinctions between the source of the water and downstream treatments. Monte said that there was a need to define the nexus of pollution to transportation, and he suggested that a smaller group be formed to define that relationship for the committee.

There was general agreement among the committee that the mitigation funds would address current issues, and that future development must include its own mitigation. Monte suggested that proposed mitigation projects may be leveraged with future projects.

There was discussion if the focus of the ordinance was capital improvement projects such as ground water recharge facilities. It was suggested that further preference be given to projects that have additional benefits. It was also suggested that agencies be encouraged to commit to operating costs by awarding additional preference to projects with such maintenance of effort commitments.

Committee members discussed the maintenance of effort requirement, agreeing that the focus needed to be on capital versus ongoing cost given the funding source. In response to a question, a committee member commented that it was common to capitalize the first year of funding operations in the project cost because expenses weren't stable the first year.

b. Watersheds and Capital Improvement Program

Due to time constraints, Garry moved ahead on the agenda to item 3. Mary Anne Skorpanich presented an overview of the 11 main watersheds in Orange County, the 3 watershed management areas (WMA) and the current status of an integrated regional water management plan for each. Mary explained that many of the projects were proposed for Proposition 50 funding.

There was discussion among the committee members if these existing water management plans could become the basis for a countywide Capital Improvement Program (CIP) for water quality. Mary Anne suggested that the committee could translate these Prop. 50 proposals to meet M2 requirements. Several committee members recommended that the committee could fund projects that did not acquire Proposition 50 funding and proposed projects with a

funding deficiency. It was suggested that qualified staff could sort through the list of eligible water quality projects and create an updated list of eligible projects.

The committee discussed the possibility of utilizing the advisory committees already created for each WMA, and the similarities and differences with growth management areas under Measure M.

Tim Casey asked whether it would work to use WMA plans as a basis for the Renewed Measure M (M2) water quality program and to apply the funds as a catalyst for greater effectiveness. Some committee members recommended using the WMA process and M2 funding as an incentive, drawing projects from WMA plans and possibly using Total Maximum Daily Load (TMDL) standards to identify priorities.

There was discussion of the WMA structure, and the benefits of integrating with it. However, some members were concerned that it might not result in the most beneficial projects.

Monte suggested developing a hybrid based upon the existing WMA process and using it to set priorities. Monte said that using the established process could help get buy-in from cities.

Comments from committee members included giving priority to projects within the countywide improvement program, reviewing Prop. 50 projects for eligible projects, and further discussion of funding priority. Also noted was the need to update and revise WMA plans and to create the opportunity for funding for projects not in a WMA.

Monte said he will generate a summary of findings from the workshop's discussion and distribute it to committee members to be used in future meetings.

Garry recommended that the workshop topics of Program Design and Leveraging be discussed at the next meeting along with actions and next steps.

6. Public Comments

None

7. Next Meeting

The next meeting will be March 13, 2008 in Room 103/104 from 10 a.m. to 12 p.m.

8. Committee Member Reports

None

9. Adjournment

A motion to adjourn the meeting at 12:05 p.m. was made and passed unanimously.